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EXAMINER

YE, LIN

ART UNIT PAPER NUMBER

2615

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/986,576

Applicant(s)

SLADEN ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 7, 9-12 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 8 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/9/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments of Election/Restrictions*

1. Applicant's election of the species of Figures 7-10 which read on claims 1, 6, 8 and 13 in the reply filed on 3/7/05 is acknowledged. Because **applicant did not distinctly and specifically point out the supposed errors in the restriction requirement**, the election has been treated as an election **without traverse** (MPEP § 818.03(a)).
2. Claims 2-5, 7, 9-12 and 14 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without traverse** in the reply filed on 3/7/05.
3. **The Election/Restrictions requirement is still deemed proper and is therefore made Final.**

### *Specification*

4. The substitute specification and new drawing filed on 3/7/05 has been entered.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite.

Referring to claim 8, states “reflection means and camera module for use in a portable radio communication device as defined in claim 1”. However, the portable radio communication device already includes “a camera and having reflection means associated” as recited in claim 1. Those are unclear whether applicant tries to say “ reflection means and camera module” disclosed in claim 8 are same means or different means with “camera and reflection means” disclosed in claim 1.

Referring to claim 13, states “reflection means and camera module for use in a portable radio communication device as defined in claim 1”. However, the portable radio communication device already includes “a camera and having reflection means associated” as recited in claim 6. Those are unclear whether applicant tries to say “ reflection means and camera module” disclosed in claim 8 are same means or different means with “camera and reflection means” disclosed in claim 1.

Appropriate correction is required.

For examination purpose, the claims 8 and 13 will be interpreted as it is best understood.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Saari et al. U.S. Patent 6,532,035.

Referring to claim 1, the Saari reference discloses in Figures 5, 9 and 10, a portable radio communication device (mobile phone 100) including a camera (102, See Col. 5, lines 66-67) and having reflection means (mirror reflector 116 is selectively pivoted to intercept the optical path, see Col. 6, lines 20-24) associated therewith, the reflection means being mounted with respect to the camera such that movement of the reflection means with respect to the camera provides the camera with a plurality of images (e.g., as shown in Figures 9 and 10, the mirror pivots or rotates with respect to the camera 72 with a plurality of images, such as a close-up image 74 and a non-close-up image 82, see Col. 7, lines 15-27).

Referring to claim 8, the Saari reference discloses a reflection means (mirror reflector 116) and camera module (102) for use in a portable radio communication device (mobile phone 100) as defined in claim 1 (See the comments respected to claim 1).

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bock et al. DE 19736675 (noted: this reference is cited in the applicant's IDS filed on 11/9/01).

Referring to claim 1, the Bock reference discloses in Figures 1-3, a portable radio communication device (a mobile video telephone) including a camera (KA) and having reflection means (a mirror KSP) associated therewith, the reflection means being mounted with respect to the camera such that movement of the reflection means with respect to the camera provides the camera with a plurality of images (e.g., the mirror KSP is a sliding mirror and can be slid in two or more positions with respect to the camera providing the camera with a plurality of images from different perspective field views, see Abstract).

Referring to claim 8, the Bock reference discloses a reflection means (KSP) and camera module (KA) for use in a portable radio communication device (a mobile video telephone) as defined in claim 1 (See the comments respected to claim 1).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bock et al. DE 19736675 in view of Kuroda et al. U.S. Patent 5,854,713.

Referring to claim 6, the Bock reference discloses all subject matter as discussed with respect to claim 1, except that the Bock reference does not explicitly show the mirror including a plurality of mirror elements, each of said mirror elements being individually selectable for cooperation with said camera by sliding said mirror.

The Kuroda reference teaches in Figure 14, a mirror (8a) slidably mounted with respect to the CCD camera (16) (See Col. 20, lines 41-43), the mirror including a plurality of mirror elements (e.g., partial mirror 8aa and partial mirror 8ab), each of said mirror elements being individually selectable for cooperation with said camera (16) by sliding said mirror (e.g., when the mirror 8a slides to the position A, the camera selects the partial mirror 8aa for capturing a image formed by the reflection of the partial mirror 8aa; and when the mirror 8a slides to the position B, the camera selects the partial mirror 8ab for capturing a image formed by the reflection of the partial mirror 8ab, See Col. 20, lines 50-55). The Kuroda reference is evidence that one of ordinary skill in the art at the time to see more advantages the sliding mirror including a plurality of mirror elements so that it is possible to provide more angles of views correspond to the number of the mirror elements (See Col. 20, lines 56-59). For that reason, it would have been obvious to one of ordinary skill in the art to modify the mobile video telephone of Bock ('675) by providing a sliding mirror including a plurality of mirror elements, each of said mirror elements being individually selectable for cooperation with the camera by sliding said mirror as taught by Kuroda ('713).

Referring to claim 13, the Bock and Kuroda references discloses a reflection means (KSP of Bock reference and mirror 8a of Kuroda's reference) and camera module (KA) for use in a

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portable radio communication device (a mobile video telephone) as defined in claim 6 (See the comments respected to claim 6)

***Conclusion***


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Hasegawa et al. U.S 2003/0181225 discloses a mobile phone includes a casing, an image pickup device and a reflection mirror.
  - b. Hayashi et al. U.S. 2002/0176017 discloses a reflection mirror is formed so as to correspond to an image pick-up element.
  - c. Sunaga et al. U.S. 6,831,693 discloses an image pickup unit for changing an orientation of an image pickup field by constructing a common portion as a unit.
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lin Ye', with a long horizontal flourish extending to the right.

Lin Ye  
Examiner  
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January 19, 2005